

**STATE OF CALIFORNIA  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401**

**DRAFT ORDER NO. 2006-0067  
NPDES NO. CAG993002**

**WASTE DISCHARGE REQUIREMENTS  
NPDES GENERAL PERMIT  
for**

**DISCHARGES OF HIGHLY TREATED GROUNDWATER TO SURFACE WATERS**

The California Regional Water Quality Control Board, Central Coast Region (hereafter "Central Coast Water Board"), finds:

1. **Purpose** – This Region-wide General National Pollutant Discharge Elimination System (NPDES) Permit for Discharges of Highly Treated Groundwater to Surface Waters (hereafter "General Permit") authorizes the discharge of wastes, meeting the criteria specified in Finding 2, to waters of the United States by any person, partnership, firm, corporation, association, trust estate, or any other legal entity (hereafter "Discharger"). Discharges of highly treated groundwater are discharges authorized under this General Permit containing zero to minimal amounts of pollutants and posing no significant threat to water quality and the environment.
2. **Enrollment Criteria** – To be authorized by this General Permit, discharges must meet the following criteria:
  - a. Pollutant concentrations in the discharge do not (a) cause, (b) have a reasonable potential to cause, and (c) contribute to an excursion above any applicable water quality objectives, including prohibitions of discharge.
  - b. The discharge does not include water added for the purpose of diluting pollutant concentrations.
  - c. Pollutant concentrations in the discharge will not cause or contribute to degradation of water quality or impair beneficial uses of receiving waters.
3. **Examples of Discharges of Highly Treated Groundwater to Surface Waters** – The following are examples of categories of Discharges of Highly Treated Groundwater to inland surface waters, enclosed bays, the ocean, and estuaries of California that may be authorized by this General Permit, provided discharges meet the criteria specified in Finding 2. This is not a complete list of discharges eligible for consideration of coverage under this General Permit:
  - a. Groundwater extracted and treated for the purpose of cleaning up groundwater degraded by leaks of petroleum or other chemicals from underground and aboveground storage tank systems, pipelines, tanker trucks, rail cars, drums, manufacturing facilities, or any other sources of pollution.
  - b. Groundwater extracted and treated for the purpose of conducting aquifer

pumping tests to evaluate remedial alternatives.

- c. Groundwater extracted and treated for the purpose of conducting dual-phase extraction tests, extraction pilot tests, or other approved groundwater treatment system pilot tests to evaluate remedial alternatives.
  - d. Groundwater extracted and treated during excavation for removal and installation of underground storage tanks and during the excavation of contaminated soils.
4. Discharges with low threat to water quality generally have low flows. For continuous discharges, the following guidelines generally define low flows:

Type of Continuous Discharge	Max Daily Flow (million gallons per day - MGD)
Treated Groundwater	0.20
Other Low Threat	0.20

For intermittent or one-time discharges, the following guidelines generally define low flows:

Type of Intermittent/One-Time Discharge	Max Daily Flow (MGD)	Duration
(Treated) Aquifer Pumping-Test Water	0.20	1 Month
(Treated) Dual-Phase Extraction, or Other Extraction Pilot Test Water	0.20	1 Month
(Treated) Underground Storage Tank or Contaminated Soil Excavation Water	0.25	1 Month

The United States Environmental Protection Agency (U.S. EPA) and State Water Board classify these discharges as minor discharges. These discharges may be treated and discharged on either continuous or batch bases.

5. This General Permit meets the requirements of 40 CFR 122.28(a)(2)(ii).

The categories of waste discharge permitted under this order:

- a. Involve similar threats to water quality.
  - b. Discharge similar type of wastes.
  - c. Require similar effluent limitations.
  - d. Require similar monitoring.
  - e. Are more appropriately controlled under a general permit than by individual permits.
6. Existing and future discharges of extracted and treated groundwater to surface waters of the Central Coast Region from groundwater cleanup projects:
- a. Result from similar operations: all involve extraction, treatment and discharge of groundwater.
  - b. Are the same type of waste: all are groundwater treated for the removal of contaminants present from leaks and spills of hazardous materials.
  - c. Require similar effluent limitations for discharge to surface waters in the Central Coast Region.
  - d. Require similar minimum frequency of monitoring.
  - e. Are more effectively regulated with a general NPDES permit rather than by individual permits.

This General Permit, therefore, establishes requirements for regulation of discharges of extracted and highly treated groundwater resulting from cleanup of contaminants at spill sites that can be effectively regulated through a general NPDES permit.

7. **Benefits of a General Permit** – To date, the Central Coast Water Board has authorized approximately 35 discharges under the General Permit and approximately 20 highly treated groundwater dischargers are still actively enrolled. Many of these authorized dischargers will wish to continue their coverage under the General Permit. We receive approximately three new applications for coverage under the General Permit each year. Streamlining

the permitting process through renewal of this General Permit will result in the appropriate regulation of many discharges of highly treated groundwater to surface waters in the Central Coast Region.

8. Use of this General Permit to regulate the specified discharges is in the public interest.
9. The Central Coast Water Board may determine that a waste discharge eligible for authorization by this General Permit is more appropriately regulated under an individual NPDES permit, another general NPDES permit, or waste discharge requirements (WDR). If an individual NPDES permit, another general NPDES permit, or WDRs are issued for a discharge, then the applicability of this General Permit for the discharge is immediately terminated on the effective date of the alternative permit.

## RECEIVING WATER BENEFICIAL USES

10. **Surface Waters** – Existing and potential beneficial uses of surface waters in the Central Coast Region may include:
  - a. Municipal and domestic supply;
  - b. Agricultural supply;
  - c. Industrial process and service supply;
  - d. Groundwater recharge;
  - e. Freshwater replenishment;
  - f. Navigation;
  - g. Hydropower generation;
  - h. Water contact recreation;
  - i. Non-contact water recreation;
  - j. Commercial and sport fishing;
  - k. Aquaculture;
  - l. Cold and warm fresh water habitat;
  - m. Inland saline water habitat;
  - n. Estuarine habitat;
  - o. Marine habitat;
  - p. Wildlife habitat;
  - q. Preservation of biological habitats of special significance;
  - r. Rare, threatened or endangered species;
  - s. Migration of aquatic organisms;

- t. Spawning, reproduction and/or early development;
- u. Shellfish harvesting; and
- v. Areas of special biological significance.

11. **Groundwater** – Many surface waters within the Central Coast Region recharge underlying groundwater basins. The existing beneficial uses of groundwater within the Central Coast Region include:

- a. Municipal and domestic supply
- b. Agricultural supply
- c. Industrial process and service supply.

To protect the municipal and domestic supply beneficial uses of groundwater underlying the use areas, the application of the discharge shall not cause groundwater to:

- a. exceed the Primary Maximum Contaminant Levels (MCL) for organic chemicals set forth in the California Code of Regulations, Title 22, Division 4, Chapter 15, Article 5.5, Section 64444.
- b. exceed the Primary MCL for inorganic chemicals set forth in the California Code of Regulations, Title 22, Division 4, Chapter 15, Article 4, Section 64431.

## SOURCES OF REQUIREMENTS

12. **Basin Plan** – The Central Coast Water Board adopted the Water Quality Control Plan, Central Coastal Basin (Basin Plan) on September 8, 1994. The Basin Plan incorporates State Water Board plans and policies by reference and contains a strategy for protecting beneficial uses of surface water and groundwater throughout the Central Coast Region.
13. **Ocean Plan** – The State Water Board adopted the first "Water Quality Control Plan, Ocean Waters of California-California Ocean Plan" (Ocean Plan) in 1972 and have subsequently amended it in 1978, 1983, 1988, 1990, 1997, 2001, and 2005. The Ocean Plan contains

water quality objectives and other requirements governing discharge to the Pacific Ocean.

14. Effluent limitations and toxic effluent standards established pursuant to Sections 301, 302, 304, and 307 of the Clean Water Act (CWA) and amendments thereto are applicable to these discharges.
15. Federal regulations, 40 Code of Federal Regulations (CFR) 122.44(d)(1)(i), require effluent limitations for all pollutants that are or may be discharged at a concentration causing or having reasonable potential to cause, or contribute to, in-stream excursions above narrative or numerical water quality standards.
16. **National Toxics Rule (NTR) and California Toxics Rule (CTR).** On December 22, 1992 and May 18, 2000, U.S. EPA adopted the NTR and the CTR, respectively. The NTR and CTR, which are codified in 40 CFR section 131.36 and section 131.38, respectively, establish numeric criteria for priority toxic pollutants for California's inland surface waters, enclosed bays, and estuaries.
17. **State Implementation Policy.** On March 2, 2000, the State Water Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP). The SIP establishes procedures to implement NTR and CTR water quality criteria as well as water quality objectives contained in the Basin Plan. The SIP requires dischargers to submit sufficient data to determine the need for water quality based effluent limits (WQBELs), and it establishes procedures for determining that need and for calculating WQBELs, when necessary. With respect to the priority pollutant criteria promulgated for California by the U.S. EPA through the NTR, the SIP became effective on April 28, 2000; and with respect to the priority pollutant criteria promulgated for California by the U.S.

EPA through the CTR, the SIP became effective on May 18, 2000.

In accordance with the methodology of the SIP, the most stringent applicable WQBEL and criteria contained in the Basin Plan, the NTR, and the CTR were compared to determine the effluent limit for toxic pollutants.

The SIP requires periodic monitoring of priority pollutants for which no effluent limitations have been established. However, low-volume discharges (as defined in Finding 4 above) are exempt from this monitoring requirement because the discharge is determined to have no significant adverse impact on water quality.

## REGULATORY CONSIDERATIONS

18. **Total Maximum Daily Loads (TMDL) –** The Central Coast Water Board is currently developing and implementing TMDLs for many impaired water bodies in the Central Coast Region. Enrollees under this General Permit that discharge to these impaired water bodies may be required to collect discharge-monitoring data applicable to developing appropriate future waste load allocations for the discharge.
19. **California Environmental Quality Act –** The action to adopt this General Permit is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21100, et seq.), in accordance with Section 13389 of the California Water Code.
20. **The Clean Water Enforcement and Pollution Prevention Act of 1999 –** The Porter-Cologne Water Quality Control Act imposes mandatory minimum penalties for certain violations of this NPDES permit. California Water Code sections 13385 and 13385.1 require the Water Boards to impose mandatory minimum penalties of \$3,000 for each "serious violation" and for certain violations

occurring four or more times in any period of six consecutive months. Violations of numeric or numerically expressed effluent limits, certain toxicity limitations, and certain reporting violations, are subject to mandatory minimum penalties.

21. **Anti-Backsliding** – 40 CFR Section 122.44(l) requires effluent limitations for reissued NPDES permits be at least as stringent as those in the previous permit, unless certain grounds for “backsliding” apply. All changes to the effluent limitations in the proposed General Permit were made in accordance with anti-backsliding provisions. All effluent limits are at least as stringent as the previous permit.
22. **Anti-Degradation** – The Central Coast Water Board has considered anti-degradation pursuant to 40 CFR Section 131.12 and State Water Board Resolution No. 68-16, and finds that these discharges of highly treated groundwater to surface water are consistent with those provisions.
23. **Water Code Section 13241.** This Order contains restrictions on individual pollutants that are no more stringent than required by the federal Clean Water Act. Collectively, this Order’s restrictions on individual pollutants are no more stringent than required to implement the technology-based requirements of the Clean Water Act and the applicable water quality standards for purposes of the Clean Water Act. This Order also contains Ground Water Limitations (Section E) and Solid Waste Disposal requirements (Section F). These provisions are necessary to comply with applicable law. The Board finds that none of the factors set forth in Water Code Section 13241 justify failure to comply with existing legal requirements.

## GENERAL FINDINGS

24. **Monitoring and Reporting** – Monitoring and Reporting Program (MRP) No. R3-2006-0067 is part of this General Permit (Attachment A). MRP No. R3-2006-0067

requires routine effluent and receiving water monitoring to verify compliance with the General Permit and protection of water quality.

25. **Annual Fee** – The Annual Fee Schedule is outlined in Title 23, Division 3, Chapter 9. Waste Discharge Reports and Requirements Article 1. Fees for this General Permit are currently based on a “Threat to Water Quality” Category 1 as specified under section (b)(10) in the current fee schedule. This fee is subject to change.
26. A permit and the privilege to discharge waste into waters of the State are conditional upon the discharge complying with provisions of Division 7 of the California Water Code and of the Clean Water Act (as amended or as supplemented by implementing guidelines and regulations) and with any more stringent effluent limitations necessary to implement water quality control plans, protect beneficial uses, and prevent nuisance. This General Permit shall serve as an NPDES Permit pursuant to Section 402 of the Clean Water Act. Compliance with this General Permit should ensure the aforementioned conditions are met and prevent any potential changes in water quality due to the discharge.
27. **Public Notice** – On September 9, 2006, the Central Coast Water Board notified the public, interested agencies, and current General Permit enrollees of its intent to issue general waste discharge requirements for highly treated groundwater discharges, provided them with an opportunity to submit their written views and recommendations, and scheduled a public hearing.
28. **Public Hearing** – In a public hearing on December 1, 2006, the Central Coast Water Board heard and considered all comments pertaining to the General Permit and found this General Permit consistent with the above findings.

**IT IS HEREBY ORDERED**, pursuant to authority in Section 13263 and 13377 of the California Water Code, that all Dischargers shall comply with the following:

All technical and monitoring reports submitted pursuant to this General Permit are required pursuant to Sections 13267 and 13383 of the California Water Code. Failure to submit reports in accordance with schedules established by this General Permit, attachments to this General Permit, or failure to submit a report of sufficient technical quality to be acceptable to the Executive Officer, may subject the Discharger to enforcement action pursuant to Sections 13268 and 13385 of the California Water Code. The Central Coast Water Board will base all enforcement actions on the date of General Permit adoption.

Throughout these requirements, endnotes are listed to indicate the source of requirements specified. Requirement endnotes are as follows:

A = Water Quality Control Plan, Central Coast Basin Region 3

B = 40 CFR Section 122

Requirements not referenced are based on Central Coast Water Board staff's professional judgment.

## **A. APPLICATION REQUIREMENTS**

1. Dischargers satisfying criteria stated in Finding No. 2 and the following conditions are eligible for authorization to discharge by this General Permit, provided:

- a. The Discharger submits a complete Notice of Intent (NOI) (Attachment B) and an appropriate first annual fee for each discharge.
- b. The Discharger submits the following:
  - (1) Certified laboratory results of treatment-system influent (or groundwater) analyzed for the constituents of concern and any organic and inorganic pollutant known or suspected to be present at the site. For example, at a fuel site: total petroleum hydrocarbons

as gasoline, total petroleum hydrocarbons as diesel, benzene, toluene, ethylbenzene, xylenes, methyl tertiary butyl ether, methanol, tertiary butyl alcohol, or at a dry cleaner/manufacturing facility site: tetrachloroethene, trichloroethene, cis-1,2-dichloroethene, trans-1,2-dichloroethene, 1,2-dichloroethane, and vinyl chloride. The influent shall be analyzed in accordance with the test procedures approved under U.S. EPA SW-846.

- (2) Certified analytical results of a representative sample of the influent (or groundwater) for the following: pH, Nitrate, and Total Dissolved Solids.
  - (3) Certified analytical results of the influent (or groundwater) for the priority pollutants as listed in Attachment D for which water quality criteria apply, according to Section 1.1 of the SIP. These analyses are required to fulfill the requirements set forth in the CTR to evaluate the potential for water quality degradation and to establish effluent limits.
  - (4) Certified analytical results of a representative sample of the receiving water near the proposed discharge location for the following: pH, Temperature, Color, Turbidity, Dissolved Oxygen, Total Suspended Solids, and Total Dissolved Solids.
- c. The Discharger submits (1) a site map showing extraction wells and monitoring wells; (2) a treatment system schematic showing system configuration and associated piping, flow path, and sampling locations; (3) a map showing the discharge location to a storm drain or surface water including the flow path to receiving waters (if applicable) and receiving waters; and (4) a description of erosion control measures at the outfall location (if applicable).
  - d. The Discharger submits a public participation plan. The Discharger

- must submit: (1) name and mailing addresses of property owners within at least 300 feet of the discharge location as the Executive Officer specifies; (2) a map labeling the nearby property owners; and (3) a draft fact sheet outlining the general nature of the cleanup case and the proposed discharge. Central Coast Water Board staff will circulate the fact sheet to solicit comments.
- e. If the Discharger proposes to discharge highly treated groundwater to or from a property not owned, leased or rented by the Discharger (e.g., a storm drain conveyance system), then a letter, signed by the property owner, authorizing the discharge of highly treated groundwater to or from the property, shall be submitted with the NOI and be kept with the General Permit, where it will be available to operating personnel (see section G.3 of this General Permit).
  - f. The Discharger, upon request, submits any additional information the Central Coast Water Board determines is necessary to ascertain whether the discharge meets the criteria for authorization under this permit.
2. After submittal of an NOI, submittal of the first annual fee, and public comment period, staff will send the Discharger one of the following:
    - a. Written authorization and effective date of permit coverage;
    - b. A request to submit an application and consideration for coverage under another general or individual permit; or
    - c. Written notification of exclusion of enrollment under this General Permit.
  3. In no case may the discharge occur until the applicant receives written authorization from the Executive Officer.
4. **Termination** – Authorization to discharge under this General Permit shall terminate upon:
    - a. Receipt of a Notice of Termination (NOT) (Attachment C);
    - b. Adoption of an individual permit or coverage by a different general NPDES permit; or
    - c. Written termination by the Executive Officer. The Executive Officer may terminate coverage under any of the following conditions:
      - (1) The Discharger violates any term or condition of this General Permit;
      - (2) The Discharger obtained coverage under this General Permit by misrepresentation, or by failure to fully disclose all relevant facts;
      - (3) A change has occurred in any condition or endangerment to human health or the environment that requires a temporary or permanent reduction or elimination of the discharge; or
      - (4) A substantial change has occurred in character, location, or volume of the discharge.

Enrollees who were covered under Order No. 01-134 on the effective date of this revised General Permit will automatically be reenrolled under this revised General Permit, unless the Discharger submits an NOT to terminate coverage or receives written notification of exclusion. Dischargers who are reenrolled shall comply with all provisions of the revised General Permit beginning with the effective date.

## B. DISCHARGE PROHIBITIONS

1. The discharge of any waste at a location or in a manner different from that described in the approved NOI or regulated by this General Permit is prohibited.

2. In accordance with State Water Board Resolution No. 68-16 (Anti-Degradation Policy), the discharge shall not contain constituents that will degrade the receiving water quality.
3. Discharge containing concentrations of pollutants in excess of applicable water quality objectives is prohibited.
4. Discharge of waste creating conditions of pollution or nuisance as defined in Sections 13050(l) and 13050(m) of Division 7 of the California Water Code is prohibited.
5. Discharge containing any substances in concentrations toxic to human, animal, plant, or aquatic life is prohibited.<sup>A</sup>
6. Discharge to an Area of Special Biological Significance, unless in compliance with the California Ocean Plan, is prohibited.
7. The discharge shall cause no scouring or erosion at the point where it discharges into the receiving waters.

### C. EFFLUENT LIMITATIONS

1. Effluent shall be essentially free of substances that:<sup>A</sup>
  - a. Float or become floatable upon discharge.
  - b. May form sediments that degrade aquatic life.
  - c. Accumulate to toxic levels in surface waters, sediments, or biota.
  - d. Significantly decrease the natural light to aquatic life.
  - e. Result in aesthetically undesirable discoloration of the water surface.
2. The discharge shall not exceed the following effluent limitations:

<b>Petroleum Hydrocarbon Constituents</b>	<b>Concentration (µg/L)</b>
Benzene	1.0 <sup>1</sup>
Toluene	150 <sup>1</sup>
Ethylbenzene	300 <sup>1</sup>
Xylenes	1,750 <sup>1</sup>
Total Petroleum Hydrocarbons (TPH)	100 <sup>2</sup>
Methyl tertiary butyl ether (MTBE)	5.0 <sup>3</sup>
Tertiary butyl alcohol (TBA)	12.0 <sup>4</sup>

<b>Volatile Organic Compounds</b>	<b>Concentration (µg/L)</b>
tetrachloroethene	0.8 <sup>5</sup>
trichloroethene	2.7 <sup>5</sup>
cis-1,2-dichloroethene	6.0 <sup>1</sup>
trans-1,2-dichloroethene	10.0 <sup>1</sup>
vinyl chloride	0.5 <sup>1</sup>
1,2-dichloroethane	0.38 <sup>5</sup>
1,1-dichloroethene	0.057 <sup>5</sup>
1,1,1-trichloroethane	200 <sup>1</sup>

1. California Primary MCL (California Code of Regulations, Title 22, Division 4, Chapter 15, Article 5.5, Section 64444)
2. San Francisco Bay Water Board's Environmental Screening Level for gross contamination (taste and odor threshold)
3. California Secondary MCL
4. California Drinking Water Notification Level (Dept. of Health Services)
5. National Toxics Rule (40 CFR 131.36)

If any of these standards are revised in the future, the Central Coast Water Board may reopen this permit to update these effluent limits accordingly.



3. If the sampling for priority pollutants [as required in Section A.1.b(3)], indicate the influent contains a priority pollutant above the corresponding effluent limitation, the discharge shall not exceed the corresponding effluent limitation as listed in Attachment D.

#### D. RECEIVING WATER LIMITATIONS

The following narrative water quality objectives apply to all surface waters, including wetlands, in the Central Coast Region. (Receiving water quality is a result of many factors, some unrelated to the discharge. This permit considers these factors, and is designed to minimize the influence of the discharge in the receiving water.)

The discharge shall not cause:

1. **The receiving water to exceed the following:**<sup>A</sup>

Constituent	Maximum or Range
<b>pH</b>	Between 7.0 and 8.3 at all times, and not changed more than 0.5 units. <sup>A</sup>
<b>Temperature</b>	Maximum increase of 5°F above natural receiving water temperature. <sup>A</sup>
<b>Color</b>	Maximum increase of 15 units, or 10% above natural background color, whichever is greater. <sup>A</sup>

2. **Turbidity to exceed the following:**

Where natural turbidity <sup>1</sup> is...	The turbidity shall not be increased more than...
less than 25 Nephelometric Turbidity Units (NTUs)	5 NTUs
between 25 and 50 NTUs	20%
between 50 and 100 NTUs	10 NTU's
greater than 100 NTU's	10%

3. **Dissolved Oxygen** – Dissolved oxygen concentrations to be depressed below 7.0 mg/L or median values to fall below 85% of saturation.<sup>A</sup>
4. **Biostimulatory Substances** – Biostimulatory substances in concentrations that promote aquatic growths causing nuisance or adversely affecting beneficial uses.<sup>A</sup>
5. **Taste and Odor** – Taste or odor-producing substances in concentrations imparting undesirable tastes or odors to fish flesh or other edible products of aquatic origin, causing nuisance, or adversely affecting beneficial uses.<sup>A</sup>
6. **Oil and Grease** – Oils, greases, waxes, or other similar materials in concentrations resulting in a visible film or floating on the surface of the water or on objects in the water, causing nuisance, or otherwise adversely affecting beneficial uses.<sup>A</sup>
7. **Settleable Materials** – Settleable material in concentrations resulting in the deposition of material causing nuisance or adversely affecting beneficial uses.

<sup>1</sup> "Natural Turbidity" shall be determined from receiving water samples taken upstream/upcurrent of the discharge point at a location free from controllable sources of pollution.

8. **Floating Materials** – Floating material, including solids, liquids, foams, and scum, in concentrations causing nuisance or adversely affecting beneficial uses.<sup>A</sup>
9. **Suspended Materials** – Suspended material in concentrations causing nuisance or adversely affecting beneficial uses.<sup>A</sup>
10. **Toxicity** – Substances in concentrations toxic to human, plant, animal, or aquatic life, or produce detrimental physiological responses therein.<sup>A</sup>
11. **Radioactivity** – Radionuclides in concentrations deleterious to human, plant, animal or aquatic life; or that result in the accumulation of radionuclides in the food web to an extent presenting a hazard to human, plant, animal or aquatic life.<sup>A</sup>
12. **An Excursion Above Any Water Quality Standard** –The discharge shall not (a) cause, (b) have a reasonable potential to cause, or (c) contribute to an excursion above any applicable criterion or water quality objective for the receiving waters adopted by the Central Coast Water Board or the State Water Board or promulgated by U.S. EPA pursuant to Section 303 of the CWA.

#### **E. GROUNDWATER LIMITATIONS**

1. The discharge shall not cause constituent concentrations in groundwater down-gradient of the disposal area to exceed water quality objectives.
2. The discharge shall not cause constituent concentrations in groundwater to exceed primary and secondary drinking water limits set forth in Title 22 of the California Code of Regulations.<sup>A</sup>

#### **F. SOLID WASTE DISPOSAL**

1. Collected screenings, sludges, and other solids removed from liquid wastes shall be disposed in a manner consistent with Chapter 15, Division 3, Title 23, and Division 2 of Title 27 of the California

Code of Regulations and approved by the Executive Officer.

#### **G. STANDARD PROVISIONS AND REPORTING REQUIREMENTS**

1. Standard Provisions: The Discharger shall comply with all Standard Provisions and Reporting Requirements for NPDES Permits, included as Attachment E of this General Permit, with the exception of A.16. Standard provision A.16 requires annual reports to be submitted on January 30 of each year. Reporting for this General Permit will occur as stated in MRP No. R3-2006-0067 and will be submitted on a quarterly basis.
2. The Discharger shall comply with Monitoring and Reporting Program No. R3-2006-0067, included with this General Permit, and any revision prescribed thereto by the Executive Officer.
3. A copy of this General Permit shall be kept at the discharge facility for reference by operating personnel. Key operating and site management personnel shall be familiar with the contents of this General Permit.
4. The Discharger shall develop contingency measures to be implemented should sampling results or visual observation indicate possible violation of water quality standards or effluent limits. Implementation of contingency measures shall not excuse any violation of this General Permit. A Discharger in violation of this General Permit shall immediately stop discharging if instructed to do so by the Executive Officer.
5. In the event the Discharger wishes to terminate authorization under this General Permit, the Discharger shall submit a completed Notice of Termination (NOT), included with this General Permit as Attachment C. Termination from coverage will occur on the date specified in the NOT, unless the Central Coast Water Board notifies the Discharger otherwise. All discharges shall cease

- before the date of termination, and any discharges to surface waters on or after this date shall be considered in violation of the CWA unless covered by another NPDES permit.
6. In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the Discharger, the Discharger shall notify the succeeding owner or operator of the existence of this General Permit by letter, a copy of which shall be immediately forwarded to the Central Coast Water Board along with a completed NOT.
  7. Coverage under the General Permit is not transferable to any person except after notice to the Central Coast Water Board. Transferability will be at the discretion of the Central Coast Water Board. The Central Coast Water Board may require reissuance or modification of the enrollment conditions to change the name of the Discharger and incorporate such other requirements as may be necessary to protect water quality.
  8. The Discharger shall take all reasonable steps to prevent any discharge in violation of this permit.<sup>B</sup>
  9. The Discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) to achieve compliance with this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of this permit.<sup>B</sup>
  10. The Discharger shall furnish the Central Coast Water Board, within a reasonable time, any information that the Central Coast Water Board may request to determine compliance with this General Permit.
  11. The Discharger shall allow the Central Coast Water Board or its authorized representatives to:<sup>B</sup>
    - a. Enter upon the Discharger's premises where a regulated facility or activity is located or conducted, or where records pertinent to this permit are kept;
    - b. Inspect and photograph any facilities, equipment (including monitoring and control equipment), practices, or operations pertinent to this permit;
    - c. Have access to and copy any records pertinent to this permit; and
    - d. Sample or monitor for the purposes of ensuring permit compliance.
  12. Monitoring results must be based on analyses conducted according to test procedures under 40 CFR Part 136, approved under 40 CFR Part 136, or authorized by the Executive Officer.
  13. All reports, the NOI, and other documents required by this permit and other information requested by the Central Coast Water Board shall be signed by a person described below or by a duly authorized representative of that person.<sup>B</sup>
    - a. For a corporation: by a responsible corporate officer such as: (a) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function; (b) any other person who performs similar policy or decision-making functions for the corporation; or (c) the manager of one or more manufacturing, production, or operating facilities if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
    - b. For a partnership or sole proprietorship: by a general partner or the proprietor.
    - c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.

14. Any person signing a document under section G.13 of this General Permit shall make the following certification, whether written or implied.<sup>B</sup>

"I certify under penalty of law this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

15. If the Discharger monitors any constituent more frequently than required by the permit, the monitoring results shall be submitted.<sup>B</sup>
16. The Discharger shall immediately report any non-compliance potentially endangering public health or the environment (i.e., discharge above applicable water quality objectives) to Central Coast Water Board staff. Any information shall be provided orally within 24 hours from the time the Discharger becomes aware of the circumstances. A written report also shall be submitted to the Executive Officer within five days of the time the Discharger becomes aware of the circumstances. The written report shall contain (1) a description of the non-compliance and its cause; (2) the period of non-compliance, including dates and times, and if the non-compliance has not been corrected, the anticipated time it is expected to continue; and (3) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the non-compliance.<sup>B</sup>
17. The Discharger shall report all instances of non-compliance not reported under

section G.16 of this General Permit at the time monitoring reports are submitted. The reports shall contain the information listed in section G.16 of this General Permit.<sup>B</sup>

18. The Discharger shall give notice to the Central Coast Water Board as soon as possible of any planned alterations to the permitted facility that may change the nature or concentration of pollutants in the discharge.<sup>B</sup>
19. Violations of this General Permit may result in termination of enrollment and/or enforcement actions pursued under the following or other applicable authorities:
- a. The Clean Water Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$25,000 per day of violation. Any person who negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day for each violation, to imprisonment of not more than 1 year, or to both penalties. Greater penalties may be imposed for knowing violations and for repeat offenders. The Porter-Cologne Water Quality Control Act provides for civil and criminal penalties comparable to, and in some cases greater than, those provided under the Clean Water Act.<sup>B</sup>
  - b. The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, by imprisonment for not more than six (6) months per violation, or by both Section 13387 of the

California Water Code allows for fines up to \$25,000 per violation and imprisonment for up to two years after such violations.<sup>B</sup>

- c. The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, by imprisonment for not more than 2 years, or by both. Greater penalties may be imposed for repeat offenders.<sup>B</sup>

20. This General Permit expires on **December 1, 2011**. Enrollees who are covered under this General Permit at the time of expiration will automatically be reenrolled under the revised General Permit, unless an NOT is submitted to terminate coverage.

**I, Roger W. Briggs, Executive Officer**, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Coast Region, on December 1, 2006.

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Roger W. Briggs, Executive Officer

<sup>A</sup> Water Quality Control Plan Central Coast Basin Plan - Region 3  
<sup>B</sup> 40 CFR 122